

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HUGO CARLOS BRIZUELA,

Defendant.

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8:09CR195

ORDER

This matter is before the court on the motion of defendant Hugo Carlos Brizuela (Brizuela) to disclose the identity of an informant (Filing No. 18). The government conceded the informant was a percipient witness and his/her identity would be made known prior to trial and has provided Brizuela's counsel with various information concerning the informant.

Following a discussion with counsel during the hearing, the motion (Filing No. 18) is granted to the extent that the government will disclose the identity of the informant on or before September 14, 2009, and arrange for an interview with the informant and Brizuela's counsel within such security parameters as are required. At such time, the government will disclose any written agreement or understanding with the informant, payments to the informant, and details of the informant's criminal history which have been excised from previous disclosures.

Upon the request of the parties and to accommodate the schedules of counsel and the time needed for the above disclosures, trial of this matter is rescheduled for **October 5, 2009**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such a rescheduling and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of rescheduling the trial, i.e., the time between **August 12, 2009 and October 5, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

IT IS SO ORDERED.

DATED this 12th day of August, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge